

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

MARKS CONSTRUCTION CO., INC.
a West Virginia Corporation, on behalf
of the Marks Construction Co., Inc. 401(k)
Profit Sharing Plan
and
**JAMES MARKS, KAREN MARKS,
ANGELA DAVIS, and RICHARD STRAIGHT,**
all individual participants thereunder,

Plaintiffs,

v.

Civil Action No. 1:05CV73
(Judge Frederick P. Stamp, Jr.)

**THE HUNTINGTON NATIONAL BANK and
SHARON HUGHES,**

Defendants.

**DECLARATION OF BENJAMIN P. QUEST IN SUPPORT OF
PLAINTIFFS' PETITION FOR ATTORNEYS' FEES AND EXPENSES
PURSUANT TO ERISA § 502(g)**

I, Benjamin P. Quest, declare as follows:

1. I am a member in good standing of the Bar of the State of California and the Bar of the District of Columbia. I am admitted to practice before the United States District Court for the Northern District of California and the District of Columbia. I am an associate at ERISA Law Partners, LLP ("ELP").
2. I graduated with honors from the University of San Francisco School of Law in 2007, where I served as Senior Articles Editor for The Law Review of the University of San Francisco

School of Law. I have a Bachelor's degree in Political Economy of Industrial Societies from the University of California at Berkeley and a Masters degree in Spanish from Middlebury College.

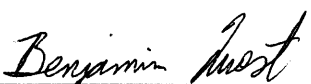
3. Before joining ELP, I worked directly with California Appeals Court Justice Stuart R. Pollak in researching, analyzing, drafting, and editing appellate opinions. I have worked directly with federal administrative law staff attorneys to research, draft, and edit federal administrative judicial memoranda.

4. I have also worked on complex discovery matters with the Law Firms of Crowell & Moring, Williams & Connolly, and Willkie Farr & Gallagher in Washington, D.C.

5. Since joining ELP, the focus of my litigation practice has been exclusively on ERISA. I have worked in different areas of litigation, including, but not limited to, drafting of pleadings and motions, researching case law, propounding and responding to discovery, etc. My current standard hourly rate is \$200.

6. During the course of this litigation, as is my standard practice, I have kept contemporaneous time records in increments of six minutes (or 1/10 of an hour). According to the firm's billing records, I have spent 192.6 hours on this matter. Thus, my total fees incurred on the instant case at \$200/hour are \$38,520.00. A detailed description of the time spent by ELP in this matter, including my time, is attached as Exhibit D to the Declaration of Joseph A. Garofolo, filed contemporaneously herewith.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 20th day of November 2009 at San Francisco, California.



Benjamin P. Quest